

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
FEB 1 2019
Clerk, U.S. Courts
District Of Montana
Missoula Division

GLEN RAY MADSEN,

Petitioner,

vs.

LYNN GUYER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 18-151-H-DLC-JTJ

ORDER

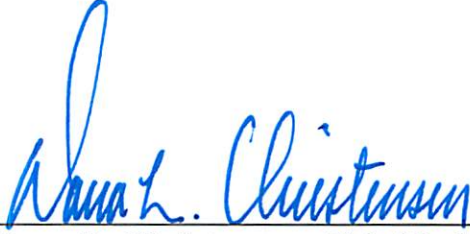
United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations on December 19, 2018, recommending that Petitioner Glen Ray Madsen's Petition (Doc. 1) be dismissed as unexhausted. (Doc. 3 at 5.) Madsen did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Order and Findings and Recommendations (Doc. 3) are ADOPTED IN FULL. Madsen's Petition (Doc. 1) is DISMISSED as unexhausted.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal by separate document.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 1st day of February, 2019.



Dana L. Christensen, Chief Judge
United States District Court